IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP NO. 1042 Of 2006.

Date of decision: March 23, 2007.

Mehar Singh. ……. Petitioner.

Vs.

State of H.P. & Ors. ……. Respondents.

Coram

The Hon'ble Mr.Justice Deepak Gupta, Judge.

The Hon'ble Mr.Justice Surinder Singh, Judge.

Whether approved for reporting?

For the petitioner: Mr.Vishal Panwar, Advocate.

For the respondents: Mr. M.S. Chandel, Advocate General with Mr. J.S. Guleria, Law Officer for respondents 1 to 3.

Mr. Ajay Sharma, Advocate, for respondent No.4.

Deepak Gupta, J.(Oral).

The impugned order (Annexure P-6) passed by Mr. Amitabh Awasthi, Additional Director, Consolidation of Holdings, H.P. Shimla clearly shows total non-application of mind to the facts of the case. We have repeatedly observed that this Officer while passing the orders does not take into consideration the points raised by the counsel and also does not set out the facts of the case. Even in the present case, the only reasoning given in the judgment is as follows:-

> "I have also gone through the relevant record carefully. I have also gone through the remand case and the case decided by the Consolidation Officer thoroughly and found that the Consolidation Officer has decided the case as per the directions of the remand case on the

---

Whether reporters of local Papers may be allowed to see the judgment?

> post, which is based on the position which emerged on the spot. Hence the revision petition of the petitioner fails as no discrepancies was found in the order of the Consolidation Officer. Hence, the revision petition is rejected. Stay order issued on 22.8.2005 is hereby vacated".

This order is a totally non-speaking order and has been passed without going into the rival contentions of the parties. It is our considered opinion that when any authority exercising judicial or quasi-judicial powers, has to decide any matter, it must set out the basic facts of the case and also give some reasons while passing the order. An order like the one passed in the present case is devoid of any reasoning and cannot scrutiny of law.

Therefore, without expressing any opinion on the merits of the case, we set-aside the impugned order dated 27.6.2006, passed by the Additional Director, Consolidation of Holdings in case No.R-35/2006 and remand the case back to the Additional Director, Consolidation of Holdings to decide the same afresh after hearing the parties. The parties present are directed to appear before the Additional Director, Consolidation of Holdings on 17.4.2007 who shall hear the parties and decide the matter on merits, latest by 31st May, 2007. We again want to make it clear that we have not expressed any opinion on merits of the case and the Additional Director, Consolidation of Holdings shall decide the case after considering the contentions raised by both the parties on merits.

A copy of this order be sent to the Secretary (Personnel), to the Government of Himachal Pradesh, Shimla, so that he may place the same on the service

record of Mr. Amitabh Awasthi, the then Additional Director, Consolidation of Holdings.

Petition is disposed of.

CMP No.1633 of 2006.

No order in view of the disposal of the main writ petition.

(Deepak Gupta)
Judge.

March 23, 2007.
(Pds)

(Surinder Singh)
Judge.